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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

1.   Claims 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31-35, 37,39, and 40 are pending

in the application.

Response to Arguments

2.   Applicant's arguments filed 1/2/2009 have been fully considered but they are not

persuasive. In response to the Non-Final Office Action mailed 10/02/2008, applicant

argues:

        (1) The combination of Faigon and Tentij is improper in that, when taken as a

whole, there is no motivation or suggestion to combine these references to achieve the

Applicants' claimed invention. More importantly, Faigon's fault correlator already

addresses suppression of "temporary or short-term" fault problems (col. 9, lines 15-24;

see also col. 1, lines 51-55 which demonstrates Faigon's objective to address problems

associated with "transient faults"). It is not clear to the Applicants why one skilled in the

art would have been motivated to modify Faigon by Tentij [p. 4].

        (2) Modifying Faigon by Tentij would "require a substantial reconstruction and

redesign" of Faigon's methodology which uses a time threshold in which the

occurrences of the fault events must occur in order to correlate the fault. Such a

modification would involve a substantial change in the basic principle under which the

Faigon fault correlator was designed to operate [p. 5].

        (3) It is at best unclear as to how the features of Tentij would be integrated into

the system of Faigon to provide the claimed invention as a whole [p. 5].

As to argument (1), examiner respectfully disagrees and submits that the

motivation to combine Faigon and Tentij is to provide a method for handling alarms that

come and go in a short period of time (transient alarms). The system ignores alarms

that do not remain in the same state for a specified period of time (col. 17, lines 3 – 17)

and reduces the volume of information transmitted in the network management system.

Examiner also disagrees with applicant's position that Faigon's correlator addresses

suppression of "temporary or short-term" fault problems. Faigon discloses that transient

faults are examples of faults which do not indicate any specific problems in the network

(col. 1, lines 51 – 55) and temporary faults stay in effect for a certain period of time and

then be decayed (col. 9, lines 15 – 24). The sections of Faigon cited by applicant (col.

9, lines 15-24 and col. 1, lines 51-55) only defines the "temporary or short-term" faults

and do not provide methods for handling or suppressing the "temporary or short-term"

faults. Faigon identifies transient faults as a hindrance that prevents errors indicating

actual severe faults requiring action to go unnoticed. However, Faigon does not provide

specific methods for handling the transient faults. Tentij discloses methods for handling

transient events by reporting the event (put into the alarm state if the escalation

condition remains valid after the wait period; col. 16, lines 27 – 39) as having one of a

first and second state only after the one of the first and second states is maintained

(Wait Time attribute 642 specifies the length of time for which the alarm must be active

before the alert is generated; col. 18, lines 46 – 50 and col. 17, lines 7 – 16) for the

predetermined amount of time (wait period; col. 16, lines 6 – 67 and col. 18, lines 46 –

50). One of ordinary skill in the art would have been motivated to combine Tentij with

Faigon because provides a method to suppress or filter transient faults, which Faigon

identifies as a hindrance that prevents errors indicating actual severe faults requiring

action to go unnoticed.

As to arguments (2) and (3), examiner respectfully disagrees and submits that

modifying Faigon by Tentij would not require a substantial reconstruction and redesign.

Faigon discloses a correlator engine that handles events according to fault rules (col. 8,

lines 21 – 42; col. 11, lines 5 – 30; and col. 12, lines 4 – 12). The fault rules are

specified by a network manager or other user (col. 12, lines 4 – 12). Tentij also

discloses a rule engine for performing tasks including advanced processing of

configuration objects, which include both control and scenario objects (col. 6, lines 5 –

15). The advanced functions in Tentij, such as Transient Alarm Suppression, are

handled through scenario objects (i.e. col. 9, lines 30 – 38) and the scenario objects in

Tentij are also user defined (col. 7, lines 40 – 44). The scenario objects in Tentij

correspond to the fault rules in Faigon because both the scenario objects and the faults

rules define the conditions and instructions for handling faults. Therefore, modifying

Faigon by Tentij would require converting the scenario objects for suppressing transient

alarms in Tentij into fault rules format described in Faigon and this would not require a

substantial reconstruction and redesign of Faigon.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31 and 32 are rejected under 35**

U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,006,016 to Faigon et al.

[hereinafter Faigon] in view of U.S. Patent No. 6,513,129 to Tentij et al. [hereinafter

Tentij], both references previously cited.

5.   As to claim 1, Faigon discloses the invention substantially as claimed including a

method of managing an event toggling between first and second event states in a

network management system, said method comprising:

        determining if said event maintains one of said first and second states for a

predetermined amount of time [An "event threshold" time period is maintained for

generated traps; col. 11, line 56 – col. 12, line 3]; and

        reporting said event as having one of said first and second states ["Toggling

rules" allow for reporting traps that have been set off by switching from one state to

another; col. 11, lines 18-30, line 56 – col. 12, line 3];

        wherein said reporting said event as having said one of said first and second

states comprises reporting said event as achieving said one of said first and second

states at the actual time of occurrence of a last state change of said event [The "time"

field of the "raw trap record" reports the time the trap occurred; col. 11, lines 18-30; line

56 – col. 12, line 3; and Fig. 9, item 902]. Faigon does not specifically teach reporting the event as having one of a first and second state only after the one of the first and second states is maintained for the predetermined amount of time.

However, Tentij teaches reporting the event [list of network components that should be put into the alarm state if the escalation condition remains valid after the wait period; col. 16, lines 27 – 39] as having one of a first and second state only after the one of the first and second states is maintained [col. 18, lines 46 – 50 and col. 17, lines 7 – 16] for the predetermined amount of time [wait period; col. 16, lines 6 – 67 and col. 18, lines 46 – 50].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Faigon to incorporate the features of Tentij. One of ordinary skill in the art would have been motivated to make the combination because this provides a method for handling alarms that come and go in a short period of time. The system ignores alarms that do not remain in the same state for a specified period of time [col. 17, lines 3 – 17 of Faigon] and reduces the volume of information transmitted in the network management system.

6.   As to claim 2, Faigon teaches said event is an alarm [traps; col. 11, lines 18-30, line 56 – col. 12, line 3].

7.   As to claim 3, Faigon teaches said first state is an alarm set state, and said

second state is an alarm clear state [The alarm state is whatever is not the norm for the

device issuing the trap; col. 11, lines 18-30, line 56 – col. 12, line 3].

8.   As to claim 5, Faigon teaches reporting a number of times said event toggled

between said first and second states [The number of occurrences is recorded in the

"trap record", Fig. 9, item 905; col. 11, line 55 – col. 12, line 3].

9.   As to claim 7, Faigon teaches reporting said event as being in a toggling

condition [col. 11, lines 5-30].

10.   As to claim 8, Faigon teaches reporting said event as not being in a toggling

condition [col. 11, lines 5-30].

11.   As to claims 9-11, 13, 15 and 16; claims 17-19, 21, 23 and 24; and claims 25-27,

29, 31, and 32, being directed to a method, machine readable medium, and system

having substantially the same limitations as claims 1-3, 5, 7, and 8, respectively; these

claims are rejected for the same reasoning as applied to claims 1-3, 5, 7, and 8 above.

12.   **Claims 33-35, 37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Faigon and Tentij further in view of U.S. Patent No. 6,414,595 to

Scrandis et al. [hereinafter Scrandis, previously cited].

13.   As to claim 33, Faigon as modified teaches an optical communication system

comprising:

        a network management system coupled to the optical communication system for

receiving said report of said event, said network management system comprising a

machine-readable medium whose contents cause said network management system to

perform a method of managing an event toggling between first and second event states,

the method comprising [The network management system "NMS" meets this claim

limitation; Fig. 3, item 320 of Faigon]:

        determining if said event maintains one of a first and a second state for a

predetermined amount of time [An "event threshold" time period is maintained for

generated traps; col. 11, line 56 – col. 12, line 3 of Faigon]; and

        reporting ["Toggling rules" allow for reporting traps that have been set off by

switching from one state to another; col. 11, lines 18-30, line 56 – col. 12, line 3 of

Faigon] said event [list of network components that should be put into the alarm state if

the escalation condition remains valid after the wait period; col. 16, lines 27 – 39 of

Tentij] as having one of said first and second states after said one of said first and

second states is maintained for said predetermined amount of time [wait period; col. 16,

lines 6 – 67 and col. 18, lines 46 – 50 of Tentij],

        wherein said reporting said event as having said one of said first and second

states comprises reporting said event as achieving said one of said first and second

states at the actual time of occurrence of a last state change of said event [The "time"

field of the "raw trap record" reports the time the trap occurred; col. 11, lines 18-30; line
56 – col. 12, line 3; and Fig. 9, item 902 of Faigon].

Faigon and Tentij do not explicitly teach wherein at least one transmitter for
transmitting an optical signal to a receiver through an optical information channel, at
least one of said transmitter, said receiver and said optical information channel
comprising at least one apparatus for reporting an event.

Scrandis teaches the above limitation [col. 1, line 55 – col. 2, line 63].

It would have been obvious to one of ordinary skill in the art at the time of
invention to further modify the teachings of Faigon and Tentij to incorporate the
teachings of Scrandis. One would have been motivated by the fact that both references
focus on the use of Network Management Systems to manage alarms within a network.
Further, Faigon's disclosure is disclosed to be used with any type of network system in
which alarms/traps must be managed [col. 2, lines 40-47], so it is implicit that Faigon's
disclosure includes the use of optical networks as described by Scrandis.

14.   As to claims 34, 35, 37, 39, and 40, being directed to the same limitations as
claims 2, 3, 5, 7 and 8, respectively; these claims are rejected for the same reasoning
as claims 2, 3, 5, 7 and 8 above.

Conclusion

15.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

16.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768.

The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571)272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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